

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC. AND LIZ  
VELAZQUEZ MCKINNON,

Defendants.

**PLAINTIFF'S NUNC PRO TUNC MOTION FOR EXTENSION OF TIME  
TO FILE MOTION FOR PARTIAL SUMMARY JUDGMENT AND STATEMENT OF  
MATERIAL FACTS**

Plaintiff, Cruz Valdivieso Figuera, through her undersigned counsel, requests this Court to grant her an extension of time *nunc pro tunc* to file Plaintiff's Motion for Partial Summary Judgment and Statement of Material Facts based on the following:

1. This Court's scheduling order set a deadline of July 18, 2023 for substantive pretrial motions. [ECF No. 20].
2. Plaintiff filed her Motion for Partial Summary Judgment [ECF No. 61], and corresponding Statement of Material Facts [ECF No. 62] on July 18, 2023.
3. On July 19, 2023, this Court struck the Plaintiff's summary judgment filings because the Statement of Material Facts did not comply with the criteria set forth in the Southern District of Florida's Local Rules. [ECF No. 63].
4. Plaintiff corrected the issues cited in the Order at ECF No. 63, and refiled the Motion for Partial Summary Judgment and Statement of Material Facts on July 20, 2023.
5. Based on the above, Plaintiff requests an extension of time of two days, *nunc pro tunc*, to

file her Motion for Partial Summary Judgment [ECF No. 64] and Statement of Material Facts [ECF No. 65].

**CERTIFICATE OF CONFERRAL**

Pursuant to S.D. Fla. L.R. 7.1, I hereby certify that I attempted to contact Defendant's counsel, Randy Goldberg, regarding the relief requested in this Motion. I emailed Mr. Goldberg at 9:54 am on July 20, 2023 to ask if he had any objection to this motion. I followed up the email with a phone call to Mr. Goldberg at 10:13am, and left a voicemail explaining that I wanted to file this motion and needed to confer with him, but would file the motion at 12:00pm if I heard no response. I called Mr. Goldberg again at 12:46pm, but received no answer, and left another voicemail that I was attempting to confer. I received no response to the email.

Respectfully submitted on July 20, 2023.

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